

REMARKS

This is a submission under an RCE filed in response to the November 24, 2010 final Office Action ¹ and to the Advisory Action dated February 2, 2011. Claims 1-19 and 21 were presented for examination and were rejected. No claims are added or canceled. Claims 1, 7, 13, 18 and 21 are in independent form and each is amended. Support for this amendment can be found throughout the specification as filed, for example, at least at paragraphs [0020], [0033], [0037], [0063] and [0064]. Claims 1-19 and 21 are pending.

Claims 1-19 and 21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-19 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being un-patentable over U.S. Patent No. 7,046,779 B2 to Hesse (hereinafter “Hesse”) in view of U.S. 2004/0093290 to Doss et al. (hereinafter “Doss”). Applicants respectfully traverse.

35 U.S.C. §112 Rejection

Claims 1-19 and 21 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants maintain that the explanation provided in its last response is sufficient to support the inclusion of “in person” in the claims. Particularly, in reading paragraph [0002] of the specification in its entirety, it refers to the fact that “many correctional facilities have extended liberal visitation privileges to inmates to promote community and family ties that contribute positively to an inmate’s personal

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

development. In the interest of promoting wholesome family ties, hundreds of visits are permitted to be made each day to inmates of correctional facilities.”

By any reasonable interpretation, “extended liberal visitation privileges” granted to inmates for visits by family for the purpose of promoting “wholesome family ties” and to “contribute positively to an inmate’s personal development” as stated in paragraph [0002] of the specification means that the inmate’s family is in the same space/room with the inmate, i.e., “in person.” After all, only if the inmate’s spouse and/or children can touch, hug and kiss the inmate can the human and familial aspects of the inmate be nurtured. This can’t be done long-distance, via video conferencing, even if the family is at the inmate’s prison facility and video-conferencing from a room isolated from the inmate. There must be face-to face, in-person contact.

In view of this detailed explanation that the specification supports “in person” claim language, as well as the support given by the specification in the many specification paragraphs to which Applicants referred in Applicants’ prior responses, Applicants respectfully submit that the Examiner is maintaining an unreasonable position. In any event, since the “in person” limitation is not now relied-upon for patentability, Applicants have removed it from the claims by current amendment, wherefore the issue is moot. Applicants respectfully request that the Examiner withdraw the section 112 rejection for the above reasons.

35 U.S.C. §103(a) Rejection

Independent Claim 1:

means for determining via a prison interface if the inmate has visitation privileges and, if not, then not allowing any visitation

Claim 1, for example, is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hesse in view of Doss. Claim 1 recites, *inter alia*: “means for determining via a prison interface if the inmate has visitation privileges and, if not, then not allowing any visitation.”

Clearly, if the inmate does not have visitation privileges he/she cannot use prison interface 200 (Fig. 1) to set up a visit with a group of people at the prison. It logically follows that no visit is set up by the inmate if the inmate does not have visitation privileges. This is not what Hesse teaches. Hesse, col. 7, lines 30-42, is cited against various of the limitations above and it says:

A schedule conference process 204 creates, revises, and deletes records stored in a database of conference plans 208 to establish a conference to be held at a date and time in the future. Conference plans may be maintained as a record of conferences completed (successfully through expected duration, or otherwise unsuccessfully) or cancelled. Rules referred to by process 204 from store 206 may *limit participation in conference plans to described participants generally or to qualified participants (e.g., having particular attributes, prior registration, or approval)*. Qualification may be established by any conventional work flow or work group software. Process 204 provides a conventional user interface for use by administrators 114. (Hesse, col. 7, lines 30-42; emphasis added)

In reference to the above passage, the Examiner states “limit participation to qualified participants” and he initially associates that with Applicants’ inmate having visitation privileges. (Office Action pg 4) Applicants agree that this Hesse passage *does* refer to limiting participation in conference plans to qualified participants, such as those having approval, as italicized in the passage above. But, this does not pre-empt or cancel the meeting; this merely limits the meeting in Hesse to qualified or approved participants. The Hesse video conference goes forward without the unqualified participant or participants and thus produces what the Examiner interprets as an equivalent to Applicants’ recited “visitation” amongst the remaining video participants.

Quite differently, if Applicants' recited inmate does not have visitation privileges, then not only is there no meeting scheduled with the prisoner but there is also no meeting scheduled without the prisoner as well. Hesse cannot be read in this manner because, even in the presence of an unqualified participant, Hesse *always* produces a video conference meeting with all participants but for the unqualified participant, and thus produces a "visitation."

Indeed, the above noted section of Hesse, or Hesse, col. 9, lines 7-33, TABLE I which is also cited against this claim limitation (Office Action, pg 4), or any other section of Hesse, does not disclose or suggest *cancellation* of an intended video conference simply because one or more Hesse participants do not qualify. The Hesse video conference (which the Examiner compares to Applicants' visitation) goes forward anyway. Hesse is not prevented from pursuing its video conference meeting; it merely dis-invites only the unqualified participant. The other reference, Doss, cited merely for curing an admitted "in person" disclosure deficiency in Hesse is now completely irrelevant with respect to Applicants' currently amended claim 1, not only because "in person" has been deleted from the claim but also because Doss does not cure this instant deficiency in Hesse of no video-conference cancellation when there is an unqualified participant.

Therefore, Applicants submit that Hesse and Doss taken individually or in any reasonable combination do not disclose or suggest "means for determining via a prison interface if the inmate has visitation privileges and, if not, then not allowing any visitation" as recited in claim 1. Accordingly, for reasons given above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 1 be withdrawn and the claim allowed.

means operative in response to said registration receiving means,

for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved for said all of said potential visitors and

for permitting said one of said plurality of said potential visitors to make a decision selected from the group of decisions consisting of allowing said visitation and canceling said visitation if said visitation request is not approved for said all of said potential visitors

Claim 1 further recites, inter alia: “means, operative in response to said registration receiving means, for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved for said all of said potential visitors and for permitting said one of said plurality of said potential visitors to make a decision selected from the group of decisions consisting of allowing said visitation and canceling said visitation if said visitation request is not approved for said all of said potential visitors.” The Examiner cited Hesse, Fig. 10, a flowchart, against this limitation prior to the current amendment. (Office Action, pg 5)

This flowchart does no more than determine available times for each participant in a conference request, forming an “opportunity table” in step 1010 which takes into account all participants’ respective availability times. Then, a particular time when all participants are available (an opportunity) is either confirmed where the request for the meeting is granted, or denied where the request for the meeting is denied. This scheduling flowchart does not read on “means, operative in response to said registration receiving means, for permitting one of said plurality of said *potential visitors* to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved” as recited in both the previous and current versions of claim 1. (emphasis added) There is no disclosure or suggestion in Hesse that one of the PARTICIPANTS (potential visitors) sets up a meeting for all of the participants because in

Hesse, it is clearly disclosed that the ADMINISTRATOR (a non-participant in the meeting) sets up the meeting.

As previously pointed out in the last response, Hesse says: “A conference is scheduled by an administrator who operates the conference control station.” (Hesse, col. 1, lines 51-53) “Administrators schedule conferences as requested by human participants.” (Hesse, col. 4, lines 7-8) “A schedule conference process 204 creates, revises, and deletes records stored in a database of conference plans 208 to establish a conference to be held at a date and time in the future.....Process 204 provides a conventional user interface *for use by administrators* 114.” (Hesse, col 7, lines 30-33 and lines 41-42; emphasis added) Clearly, Hesse’s administrator is the person who schedules the conference but Hesse’s administrator is not a visitor and is thus not equivalent to “one of said plurality of said potential *visitors*” as recited in claim 1. (emphasis added)

Further, Hesse does not disclose or suggest that one of the potential visitors can make a decision selected from a group of decisions consisting of allowing a visitation and canceling the visitation if the visitation request is not approved for all potential visitors.

Therefore, Hesse does disclose or suggest: “means, operative in response to said registration receiving means, for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved for said all of said potential visitors and for permitting said one of said plurality of said potential visitors to make a decision selected from the group of decisions consisting of allowing said visitation and canceling said visitation if said visitation request is not approved for said all of said potential visitors” as recited in claim 1.

To the extent that Doss, in future office actions, may have otherwise been relied upon to allegedly teach the scheduling of a meeting by a meeting participant in an attempt to cure this deficiency in Hesse, because Doss teaches electronic calendars belonging to various participants where the calendars are networked together and accessible by network participants, Applicants' currently amended claim avoids that hypothetical application of Doss. Nothing in Doss discloses or suggests: "means... for permitting said one of said plurality of said potential visitors to make a decision selected from the group of decisions consisting of allowing said visitation and canceling said visitation if said visitation request is not approved for said all of said potential visitors" as recited in claim 1.

Indeed, there is nothing in Doss that even establishes a relevant approval threshold because all of the participants have access to each others' calendars - they are pre-approved. Further, there is nothing in Doss that discusses a control given to one of its participants to cancel a meeting if fewer than all potential participants are approved, again at least for the reason that all potential participants are essentially pre-approved. Further, there is nothing in Doss that discloses making a decision selected from the group of decisions consisting of allowing a visitation and canceling the visitation, the decision based on whether the visitation request is not approved for all potential visitors.

Therefore, Hesse and Doss taken individually, or in any reasonable combination, do not disclose or suggest: "means, operative in response to said registration receiving means, for permitting one of said plurality of said potential visitors to schedule said same visitation for all of said plurality of potential visitors if said visitation request is approved for said all of said potential visitors and for permitting said one of said plurality of said potential visitors to make a decision selected from the group of decisions consisting of allowing said visitation and canceling

said visitation if said visitation request is not approved for said all of said potential visitors” as recited in claim 1. Accordingly, for these *additional* reasons, the 35 U.S.C. §103(a) rejection of claim 1 should be withdrawn and the claim allowed.

Independent claims 7, 13, 18 and 21 are each currently amended similarly to that of claim 1 where each recites limitations that are the same as, or similar to, those of claim 1 presented above. Claims 7, 13, 18 and 21 are, therefore, allowable for reasons which are the same as, or similar to, those given above for allowability of claim 1.

Dependent claims 2-6, dependent from claim 1 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 1.

Dependent claims 8-12, dependent from claim 7 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 7.

Dependent claims 14-17, dependent from claim 13 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 13.

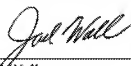
Dependent claim 19, dependent from claim 18 is also allowable, at least for reasons based on their respective dependencies from allowable base claim 18.

CONCLUSION

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and remarks.² Applicant submits that all objections and rejections have been addressed and have been overcome.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,
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² As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.